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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,063

09/25/2006

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EXAMINER

GARCIA, CARLOS E

ART UNIT

PAPER NUMBER

2627

NOTIFICATION DATE

DELIVERY MODE

05/14/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/594,063	<b>Applicant(s)</b> SUZUKI ET AL.	
	<b>Examiner</b> CARLOS E. GARCIA	<b>Art Unit</b> 2627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/13/2008, 9/25/2006</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **NON-FINAL REJECTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, both claims include limitations with the term “the drive force of the drive source” on lines 7-9 in each claim. These limitations are not clearly understood, since the claim also includes a reference to the drive force of the “second drive source”.

Furthermore, it is not clear whether those claim limitations are referring to the first “drive source” or the “second drive source”.

Further clarification and correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujimoto (EP 977198 A2).

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Re claim 1: Fujimoto discloses a recording medium playback device (para.0133-0135)\  
comprising:

a drive source 52;

a receiving part 23 for receiving a plurality of holding members 39 arranged being  
laid on one another, the holding member being capable of holding a recording medium  
24;

a playback part 25 for playing back the recording medium received in the  
receiving part;

a carrying part 35 for carrying the recording medium through an insertion slot 33  
by drive force of the drive source (lifting motor 52 drives the injection/ejection roller 35);

a positioning part 26 for moving the holding member along a direction of the  
arrangement of the holding members by drive force of the drive source so as to position  
the holding member at a position where the holding member can hold the recording  
medium carried through the insertion slot (by way of moving mechanism 26 comprised  
of slide plates 54) and for moving the carrying part by drive force of the drive source (by  
way of slides plates and gears) so as to position the carrying part at a position where the  
carrying part can carry the recording medium inserted through the insertion slot  
(para.0150-0153); and

a transmission restricting part 58 for restricting the drive force of the drive source  
to be transmitted to the positioning part when the carrying part carries the recording  
medium (para.0153).

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Re claim 2: Fujimoto further discloses wherein the carrying part is movable together with the playback part along the direction of the arrangement of the holding members (Fig.5A-5C; 18-19; para.0150).

Re claims 3-4: Fujimoto further discloses (as best understood):

a separating element 28 for parting the holding member of one recording medium and the holding member of another recording medium from each other along the direction of the arrangement of the holding members; and

a second drive source 53 for supplying drive force to the separating element, wherein the transmission restricting part is displaced by drive force from the second drive source (by way of slides pates 56 driven by splitting motor 53; as specifically described in Fig.28A-32; para.0151, 0153, 0161, 0168, 0171-0172) in a range between a connecting position where the drive force of the drive source is allowed to be transmitted to the positioning part and a parting position where the drive force of the drive source is restricted to be transmitted to the positioning part (by way of transmission gears and slide plates).

### ***Conclusion***

5. The prior art made of record in PTO-892 Form and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARLOS E. GARCIA whose telephone number is (571)270-1354. The examiner can normally be reached on M-Th 9am-5pm F 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. E. G./  
Examiner, Art Unit 2627  
5/7/2010

/William J. Klimowicz/  
Primary Examiner, Art Unit 2627